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Supreme Court of the United States

OCTOBER TERM, 1965

No. 1118 85

PLACID OIL COMPANY and LA-TERRE CO., INC.,
Petitioners,

—v.—

UNION PRODUCING COMPANY and TEXAS GULF PRODUCING COMPANY,
Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF LOUISIANA AND/OR TO THE COURT OF APPEAL, FIRST CIRCUIT, STATE OF LOUISIANA

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INDEX

	Page
Citations to Opinions Below	1
Jurisdiction	2
Question Presented	2
Statutes Involved	2
Statement of Facts	2
Reasons for Granting the Writ	
I. Federal Township Boundaries Are Exclusively the Responsibility of the Federal Executive. Under the Constitution and Applicable Statutes the Louisiana Courts Had No Power to Fix New Township Boundaries	10
II. The Judgment of the Louisiana Courts, if Allowed to Stand, Would Upset Established Public and Private Landholdings and Inspire Uncertainty and Litigation	14
III. Certiorari Is Appropriate to Review the Judgment Below	16
Conclusion	18

CITATIONS

CASES:

Beard v. Federy, 3 Wall. 478 (1866)	16
Cragin v. Powell, 128 U.S. 691 (1888)	7, 9, 11, 12, 13
Graham v. Gill, 223 U.S. 643 (1912)	17
Knight v. United Land Association, 142 U.S. 161 (1891)	12
Lane v. Darlington, 249 U.S. 331 (1919)	13
Russell v. Maxwell Land Grant Co., 158 U.S. 253 (1895)	12, 15
Stoneroad v. Stoneroad, 138 U.S. 252 (1895)	12

Page

CONSTITUTIONAL PROVISION:

Constitution of the United States
Article IV, Section 3 3

STATUTES:

R.S. §453 (1875), now 43 U.S.C. §2 (1964) 4

R.S. §2395 (1875), now 43 U.S.C. §751 (1964) 4, 16

R.S. §2396 (1875), now 43 U.S.C. 752 (1964) 4, 11, 16, 17

R.S. §2479 (1875), as amended 43 U.S.C. 982 (1964) 5

2 Stat. 716 (1812) 4

28 U.S.C. §1257(3) 2, 16

MISCELLANEOUS:

"An Ordinance for ascertaining the mode of disposing of lands in the Western Territory," May 20, 1785, Journals of the Cont. Cong. Vol. XXVIII, 1785 (Lib. Cong. 1933) 3

Coles, Applicability of Public Land System to Louisiana, in the Public Lands (Carstensen ed. 1962) 5

Harrington, Cadastral Surveys for the Public Lands of the United States, in the Public Lands (Carstensen ed. 1962) 14

Keith, Government Land Surveys and Related Problems, 38 Iowa L. Rev. 86 (1952) 14

Manual of Surveying Instructions, (Bureau of Land Management, Dep't. of Interior, 1947 ed.) 5, 14

Moore, Origin and Authorship of Present System of Government Land Surveys, 2 J. Ass'n. Engn. Socs. 282 (1882-83) 3

Stewart, Public Land Surveys (1935) 5

Treat, National Land System (1910) 5

IN THE

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PLACID OIL COMPANY and LA-TERRE CO., INC.,

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PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF LOUISIANA AND/OR TO THE COURT OF APPEAL, FIRST CIRCUIT, STATE OF LOUISIANA

Petitioners pray that a writ of certiorari issue to review the judgment of the Supreme Court of the State of Louisiana, entered in the above-entitled case on November 12, 1965, and/or the judgment of the Court of Appeal, First Circuit, State of Louisiana, entered on July 1, 1965.

CITATIONS TO OPINIONS BELOW

The opinion of the 17th Judicial District Court for the Parish of Terrebonne, State of Louisiana, is unreported and is printed in Appendix B hereto, *infra*, p. 1b. The opinion of the Court of Appeal, First Circuit, State of Louisiana, printed in Appendix B hereto, *infra*, p. 18b, is reported at 178 So.2d 392. The opinion of the Supreme Court of the State of Louisiana, printed in Appendix B hereto, *infra*, p. 59b, is reported at 179 So.2d 432.

JURISDICTION

The judgment of the Supreme Court of the State of Louisiana was entered on November 12, 1965. On February 3, 1966, Mr. Justice Douglas entered an order extending the time for filing this Petition for Certiorari to March 14, 1966. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(3), since petitioners' claims to title, rights and privileges in valuable oil and gas properties were nullified by the state courts' actions in voiding certain Federal Township boundaries fixed for a century under the statutes of the United States and the authority and commission of the Secretary of the Interior and his predecessors, and in "fixing" a new boundary for these Federal Townships.

QUESTION PRESENTED

Whether a state court, in a proceeding between private parties, has the authority to set aside the official boundaries of two Federal Townships—surveyed, platted and fixed by Federal executive authority for over a century—and "fix" a new boundary for the two Townships.

STATUTES INVOLVED

The statutes involved are printed in Appendix A, *infra*.

STATEMENT OF FACTS

This is a dispute between private parties. The facts are intricate—and we have incorporated overlay charts in the hope of presenting these facts concisely and in an intelligible fashion. But the issues are simple and straightforward: the integrity of the Federal survey system, and the power of state courts to dissolve century-old Federal

Township lines and to "fix," "decide," and "settle" new "legal" boundaries of such Townships.

The Federal survey system is older than the Constitution. Rectangular surveys and the establishment of Federal 36-square-mile townships began with the Northwest Territories, May 20, 1785,[1] and has been carried forward for almost two centuries under Congress' power to "make all needful Rules and Regulations respecting the Territory . . . belonging to the United States." U.S. Constitution, Article IV, Section 3. During the Nineteenth Century, the Surveyor General's Office extended to rectangular cadastral survey system to the vast areas of the Louisiana Purchase, the Oregon Country, the Mexican Cession, the Gadsden Purchase and the Alaska Purchase.

Federal survey machinery has thus laid out principal north-south meridians and east-west base lines for more than two million square miles of land west of the thirteen colonies, surveyed these areas and produced a vast net of surveys for all the lands once part of the western public domain. All land transfers out of the Federal domain were —and are—made on the basis of these surveys, and by descriptive reference to them. Federal township surveys are of profound importance to private property transactions. They fix the precise location of every unit of land—

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[1] "An Ordinance for ascertaining the mode of disposing of lands in the Western Territory," May 20, 1785, Journals of the Cont. Cong. Vol. XXVIII, 1785, pp. 375-381 (Lib. Cong. 1933).

William Grayson of Virginia, who succeeded Thomas Jefferson as the Chairman of the Committee that presented the Ordinance to the Continental Congress, in a letter to Washington urged the reetangular survey system in preference to "indiscriminate location" of boundaries because "it superseded the necessity of courts for the determination of disputes." H. C. Moore, *Origin and Authorship of Present System of Government Land Surveys*, 2 J. Ass'n. Engn. Socs. 282 (1882-83).

public or private—in the western United States and are the foundation of the entire structure of land conveyancing in the West.

Since 1812,[2] the Secretary of the Interior—or his various predecessors—has been directed to "perform all executive duties appertaining to the surveying" of public lands. R.S. § 453 (1875), now 43 U.S.C. § 2 (1964). These lands were to be "divided by north and south lines . . . so as to form townships of six miles square . . . ", and the townships were to be divided into sections "containing, as nearly as may be, six hundred and forty acres each." R.S. 2395 (1875), now 43 U.S.C. § 751 (1964). The surveys were to be returned to the Secretary "who shall cause therefrom a description of the whole lands surveyed to be made out" and "a fair plat to be made, . . . recorded in books to be kept for that purpose." R.S. § 2395 (1875), now 43 U.S.C. § 751 (1964). The corners and boundaries of these surveys "shall be established as the proper" corners and boundaries of all Federal sections. R.S. § 2396 (1875), now 43 U.S.C. 752 (1964).

The integrity of the Federal survey system is at issue here. This proceeding concerns two adjacent Townships established by Federal surveys in the Nineteenth Century in southeastern Louisiana—Township 20 South Range 17 East, and Township 20 South Range 18 East. (Hereafter, we shall refer to them on occasion as 17 and 18.) These townships are a few miles north of the Gulf of Mexico. They are swamp land, now extremely valuable for their oil and gas deposits. Theoretically—and commonly—such adjacent townships have common boundaries. However, overlaps, errors and inconsistencies were not at all unusual

[2] 2 Stat. 716 (1812).

in Federal surveys made before solar compass technology, particularly in swampy areas and when carried out with primitive instruments by a variety of surveyors.[3] So here. The Federal surveys of Townships 17 and 18 were in error. They overlap each other by some three thousand feet.

The first Federal survey of Township 18—by Foster and Walker in 1831—soon generated complaints by landowners in the area (Exs. B-1–B-8). Meanwhile, the Surveyor General commissioned Deputy Surveyor A. B. Connelly to survey and plat the adjacent township to the west—that is, 17. Connelly completed his survey in 1837. The Surveyor General approved his plat in 1842; it thus became the first and last official survey as to 17. The State of Louisiana thereafter selected and obtained title to 17 based upon Connelly's survey, pursuant to the Swamp Lands Act, R.S. § 2479 (1875), as amended 43 U.S.C. § 982 (1964).

Then, as a result of the landowners' complaints with respect to the Foster and Walker survey of 18, the Surveyor General commissioned Deputy Surveyor C. D. Gorlinski to resurvey 18. Gorlinski completed and submitted his survey in 1855 and the Surveyor General approved the survey and issued a plat of 18, which superseded the old Foster and Walker plat, in 1856. Gorlinski's survey was thus the final survey of 18, and the Surveyor General's approval marked the final boundaries of that township (R. 292-295). The State of Louisiana selected and was granted the relevant portions of 18 pursuant to the Swamp

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[3] For vivid accounts of the difficulties and errors of early surveying, particularly in Louisiana, see Coles, APPLICABILITY OF PUBLIC LAND SYSTEM TO LOUISIANA, in the *Public Lands* (Carstensen ed. 1962), pp. 207, 211-216; and Treat, *National Land System* (1910), pp. 30, 195. In fact the very first line under the Act of 1785—the "geographer's line"—was a mile off course. Stewart, *Public Land Surveys* (1935), pp. 35, 46-57.

Lands Act based, not on Foster and Walker's survey, but on the Gorlinski survey of that Township (R. 294).

Thus, both patents from the United States to the State of Louisiana were based upon the official plats derived from the Connelly and Gorlinski surveys of 17 and 18. (R. 257-258, 293-294). The later transfers of parcels in 17 and 18 by Louisiana to private hands were also based on these two surveys as the official Federal surveys establishing the boundaries of the two townships (R. 121, 294).

Although neither of the two final survey plats as approved by the Surveyor General—by Connelly of 17 and by Gorlinski of 18—revealed the fact, it has long been recognized that the two Townships partly overlapped. To illustrate the overlap, we have attached four charts. Chart 1 hereto shows a schematic rendering of the natural features of the terrain. Chart 2 reproduces the relevant official township boundaries of 17, as established by the survey of Connelly and approved by the Surveyor General in 1837. Chart 3 reflects the relevant official boundaries of 18, as approved by the Surveyor General in 1856 based on Gorlinski's survey. (Chart 4 shows the new line fixed by the Louisiana courts, to which we refer later.) When overlaid, one on another, these charts depict the area of overlap in the Federal Township boundaries—an overlap reflected as well on all official U. S. Government plats, U. S. Geological Survey Quadrangle maps, and the privately printed "Tobin" maps used by the oil and gas industry (R. 149).

It was not long after their completion before the errors in the surveys of 17 and 18 began to generate litigation. In 1880, certain landholders in 17 instituted an "action of boundary" to upset the official Connelly survey and to have the courts redraw the boundaries of 17 to conform with the adjacent Gorlinski boundary of 18. A Louisiana State

Court actually attempted to do so, appointing a court surveyor for the purpose. This Court disagreed and rejected the Louisiana Court's amendment of Connelly's survey. It held that the Connelly survey was the "official survey" of 17 and, under the Federal statutory scheme, whether "the official survey made by Connelly is erroneous, or should give way to the extent of its discrepancies . . . is a question which was not within the province of the court below, nor is it the province of this Court to consider and determine." *Cragin* v. *Powell,* 128 U.S. 691, 697 (1888).

By 1948, petitioner La-Terre had been the owner of large parcels of land in both 17 and 18 for many years. The area was speculative; no wells had then been drilled. In that year, La-Terre agreed to lease to respondent Union Producing Company a number of parcels in the general area, including two sections of the two townships at issue here. The lands subject to this 1948 lease were defined by their Federal survey township designations; the lease provided that Union would select the specific parcels—to be described by reference to "governmental surveys"—which it wished to retain for drilling. It also provided that La-Terre could make no warranty of actual acreage within the Federally-described townships and sections; neither party would have recourse against the other in the event that the stipulated acreages were greater or less than described. The implication was plain: The parties were making their transaction on the basis of the official township boundaries, "correct" or not.

In 1949, Union selected about 4500 acres for permanent lease, all by reference to the Federally-established township plats as provided in the basic lease. These included "the north 200 acres" of Section 13 of Township 20 South, Range 17 East, and "the north 400 acres" of Section 110

of Township 20 South, Range 18 East. Union paid a stipulated flat rate of $10 per acre.

As with the two townships of which they are a part, the two selected sections also overlapped, but Union knew about the overlap (App. B p. 12b; R. 166, 167) and recognized the effect of its selection (R. 176-178). The maps it made after the selection showed the overlap and established the southern boundary of Union's lease in the proper place to reflect that overlap. Union later transferred a half interest in its lease to respondent Texas Gulf but did nothing to exploit its mineral possibilities for the next ten years.

In 1958, petitioner Placid Oil Company, which had been drilling to the east, became interested in the area (R. 238). Placid conducted a survey to determine what La-Terre could lease to it and, on the basis of the survey, leased all La-Terre's interest in both sections "except the [area] which is presently covered by a mineral lease granted Union Producing Company, dated June 21, 1948. . . ." Within ten days of signing the lease, Placid began drilling operations. Eventually it brought in three valuable wells, including well B-1, at a depth of over 15,000 feet, and at a total cost of over $1,000,000. As the Court of Appeal said, ". . . all were producers." (*infra* p. 34b).

Shortly thereafter Union and Texas Gulf instituted this proceeding, claiming, in effect, that well B-1 had been drilled on their land. They petitioned the Louisiana Court to upset the Federal boundaries of the sections selected under the 1948 lease and draw new boundaries: "the overlap does exist, but we ask this Court to determine that in fact the overlap cannot exist in law . . . ." (R. 289). "The Court," according to Union and Texas Gulf, "will have to fix a line between the two sections." (R. 190).

The District Court refused to do so (*infra*, p. 5b):

> "In effect, every interpretation urged by plaintiffs would require that this Court ignore, or alter, the actual boundaries of the sections in question as established by the official surveys . . . ."

The Court of Appeal reversed, noting that Placid and La-Terre "contend that no one has authority to change the range lines," and that Union and Texas Gulf were seeking "a determination by the Court of the common range line between the two sections." It held that the question presented to it for settlement "is the *legal bounds of the two sections* involved here because of the overlapping surveys." [Emphasis supplied] (*infra*, p. 36b). The basic problem was one of judicial authority—"that it is in the *province of the court . . . to decide* what shall be the eastern boundary of Township 20 South, Range 17 East and the western boundary of Township 20 South, Range 18 East, *which shall be a common boundary* to both ranges of Township 20 involved herein." [Emphasis supplied] (*infra*, p. 40b). "A decision must be reached *which fixes the location of* the east boundary, or range line, of Township 20 South, Range 17 East and of Township 20 South, Range 18 East, this range line to be the common boundary between the two ranges in Township 20." [Emphasis supplied] (*infra*, p. 46b). The Connelly survey of Township 20 South, Range 17 East—the same approved survey which this Court had upheld in *Cragin* v. *Powell*—"was unauthorized and legally without any effect . . . ." (*infra*, p. 50b) and "erroneous and illegal," (*infra*, p. 54b) and the Gorlinski line could "have no effect." (*infra*, p. 54b). Accordingly, the Court upset the Federal boundaries of both townships, "ordered, adjudged and decreed" a new boundary line in accordance with what it conceived to be the old Foster and Walker survey—and held

that Union and Texas Gulf had the right to the oil royalties from Placid's well B-1 (*infra,* pp. 55b-58b).

The Court of Appeal denied petitioners' timely application for rehearing, and the Louisiana Supreme Court denied their application for writ of certiorari or writ of review on November 12, 1965, two judges dissenting.[4]

REASONS FOR GRANTING THE WRIT

I. FEDERAL TOWNSHIP BOUNDARIES ARE EXCLUSIVELY THE RESPONSIBILITY OF THE FEDERAL EXECUTIVE. UNDER THE CONSTITUTION AND APPLICABLE STATUTES THE LOUISIANA COURTS HAD NO POWER TO FIX NEW TOWNSHIP BOUNDARIES.

This proceeding squarely raises the question of the judicial power of state courts with respect to Federal township boundaries. The purpose and effect of the judgments of the Louisiana courts is clear. As the Court of Appeal said, it was assuming the authority to establish "the legal bounds of the two sections involved" (*Infra,* p. 36b).

It is our position that the Louisiana courts had no such power. This is so no matter how convinced they might be that the Federal surveyors were in error. The surveying of the public lands, the establishment of townships and sections within those lands and the final approval of township

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[4] Petitioners carefully preserved the Federal question. See page 239 of the transcript of trial in the District Court (R. 318), and pages 11 through 17 of the Petitioners La-Terre and Placid's Brief on Appeal to the Court of Appeal (R. Vol. I, following R. p. 369). In their petition to the Louisiana Supreme Court, the petitioners stated that "The basic issue, therefore, is one at law, *i.e.,* the right of the Court of Appeal to supercede [sic] the administrative branch of the United States Government, which is responsible for the establishment of the Governmental subdivision, by changing the official surveys, and hence the boundaries of those lands." (R. La. Sup. Ct. p. 14; Petition for Writ of Certiorari on Review, p. 14.)

plats have been the exclusive province of the Federal Executive for one hundred and eighty years.

The statutory scheme is clear. The corners and boundaries of Federal surveys approved by the Secretary of Interior or his predecessors "shall be established as the proper boundary lines of the sections." R.S. § 2396 (1875), now 43 U.S.C. § 752 (1964). State courts cannot survey Federal boundaries; they cannot approve Federal surveys; and they cannot correct mistakes in Federal surveys.

It is remarkable that the leading case establishing this proposition, *Cragin* v. *Powell*, 128 U.S. 691 (1888), involved one of the very Federal townships and the very same overlap between the two townships in this proceeding. There, too, the court below was struck by Connelly's error and had redrawn the line to reflect a "proper boundary." This Court reversed:

> "Whether the official survey made by Connelly is erroneous, or should give way to the extent of its discrepancies to the survey reported by McLeran, is a question which was not within the province of the court below, nor is it the province of this court to consider and determine. The mistakes and abuses which have crept into the official surveys of the public domain form a fruitful theme of complaint in the political branches of the government. The correction of these mistakes and abuses has not been delegated to the judiciary. . . . " (128 U.S. at 697.)
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> "The reason of this rule, as stated by Justice Catron in the case of *Haydel* v. *Dufresne*, is that 'great confusion and litigation would ensue if the judicial tribunals, state and federal, were permitted to interfere

and overthrow the public surveys on no other ground than an opinion that they could have the work in the field better done and divisions more equitably made than the department of public lands could do.'" (128 U.S. at 699)[5]

The Court below apparently thought it could reject the two approved surveys and redraw the boundaries, despite *Cragin,* because title to certain distant parcels—not involved here—had vested in private hands after Foster and Walker had done their work in 1831 and before the two later surveys were completed. (*Infra,* pp. 43-44b, 47b) This seems to have convinced the Louisiana court that the Surveyor General had no authority under Federal law thereafter to approve the Connelly and the Gorlinski surveys. We suggest that it is rather late to question the authority of the Surveyor General, particularly in this proceeding and particularly when that authority was and is clear under Federal law. As in *Cragin,* so here. Connelly's survey was completed and approved while the tracts at issue remained Government property and long prior to their transfer to the State or to private parties. The rights which vested under Foster and Walker were to parcels of land wholly unaffected by the Gorlinski resurvey (*Infra* pp. 47b-48b). Only a private landholder adversely affected

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[5] *Cragin* has been reaffirmed on numerous occasions. See, e.g., *Knight* v. *United Land Association,* 142 U.S. 161 (1891); *Stoneroad* v. *Stoneroad,* 138 U.S. 252 (1895); and *Russell* v. *Maxwell Land Grant Co.,* 158 U.S. 253 (1895). See also *Manual of Surveying Instructions,* (Bureau of Land Management, Dep't. of Interior, 1947 Ed.) p. 7.

> ". . . the boundaries and subdivisions of the public lands as surveyed . . . the record evidence of which consists of field notes and plats duly approved by the authorities constituted by law, are unchangeable after the passing of the title by the United States."

by the Gorlinski resurvey could complain, and even he could not prevent the resurvey. *Lane* v. *Darlington*, 249 U.S. 331 (1919). Union and Texas Gulf, whose interest in the property was acquired 100 years after the resurvey became official, certainly cannot complain.

The Louisiana Court of Appeal also expressed concern that unless it redefined the township boundaries so as to eliminate the overlap, it "would not settle any conflicting titles in the overlap . . . . " and stated that petitioners' arguments based on *Cragin* were:

> " . . . . the same thing as saying that the courts cannot pass upon conflicts in titles . . . . "

But, the case involved no conflicting titles. La-Terre obtained title to both of the overlapping sections at the same time and in the same instrument. Were this not true, and had La-Terre, for example, obtained title to Section 110 at one time and Union obtained title to the overlapping Section 13 at an earlier time, the Court could then have properly resolved the conflict by granting title to the overlap to Union as holding the more ancient title. Resolution of such problems in the future did not require the Louisiana courts to set aside official Government surveys.

In short, the effort of the Louisiana courts to "correct" official township boundaries settled for over one hundred years, on the basis of which the United States has transferred lands to the State, the State has transferred those lands to private parties and private parties have made contracts, was error. A new judge-made township cannot now be substituted for official boundaries established long ago by the Federal executive under Federal law.

II. THE JUDGMENT OF THE LOUISIANA COURTS, IF ALLOWED TO STAND, WOULD UPSET ESTABLISHED PUBLIC AND PRIVATE LANDHOLDINGS AND INSPIRE UNCERTAINTY AND LITIGATION.

By subdividing the 2,000,000 square miles of once public lands into townships, each six miles square, the Federal survey system has provided a simple and definite form of land identification and description, which permanently anchors in place the boundaries of all the public and private lands in the area.[6] The very essence of the Federal survey system is its stability. The Federal township lines are of critical importance to land holding and conveyancing in the western United States. Transfers in the areas carved out of the public domain are still in large measure based on Federal surveys. To suggest now, after almost two centuries, that those boundaries are subject to technical "correction" by any and all state courts opens up the possibility, we think, of substantial confusion and litigation.

We do not suggest that the decision below throws all private land titles into doubt. Most Federal surveys are doubtless accurate enough to withstand judicial attack for alleged "error." However, there is no doubt that technical mistakes do infect a large number of Federal surveys. In this very region, as the Court of Appeal found, "there are many conflicting titles due to this overlap that will most probably be vitally affected by the decision in this case." (*infra* p. 35b). More broadly, we have also examined the private Tobin survey services used by the oil and gas

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[6] Harrington, CADASTRAL SURVEYS FOR THE PUBLIC LANDS OF THE UNITED STATES, in *The Public Lands*, pp. 35, 36-37 (Carstensen ed. 1962); *Manual of Surveying Instructions.* (Bureau of Land Management, Dep't of Interior, 1947 ed.) pp. 6, 10-13; Keith, *Government Land Surveys and Related Problems*, 38 Iowa L. Rev. 86-115 (1952).

industry throughout southern Louisiana and have identified almost three dozen areas of overlaps or other incongruities in the Gulf Coast area alone which could from all appearances generate private litigation to "correct" old Federal boundaries. And we suggest that the history of Federal surveying indicates enough error throughout the West, where almost every state is similarly affected, to make this a matter of broad public and national concern.

Now, according to the Louisiana courts, any energetic potential claimant may petition for a "correction" of such errors on the basis of dusty original surveying records indicating that a surveyor made a mistake. The result was described in *Russell* v. *Maxwell Land Grant Co.*, 158 U.S. 253 (1895):

> " . . . in the nature of things a survey made by the government must be held conclusive against any collateral attack in controversies between individuals. There must be some tribunal to which final jurisdiction is given in respect to the matter of surveys, and no other tribunal is so competent to deal with the matter as the Land Department. None other is named in the statute. If in every controversy between neighbors the accuracy of a survey made by the government were open to question, interminable confusion would ensue. Take the particular case at bar; if the survey is not conclusive in favor of the plaintiff, it is not conclusive against it. So we might have the land grant company bringing suit against parties all along its borders, claiming that, the survey being inaccurate, it was entitled to a portion of their lands, and as in every case the question of fact would rest upon the testimony therein presented, we should doubtless have a series of contradictory verdicts; and out of those

verdicts and the judgments based thereon, a multitude of claims against the United States for return of money erroneously paid for land not obtained, or for a readjustment of boundaries so as to secure to the patentees in some other way the amounts of land they had purchased." (158 US at 258)

See also *Beard* v. *Federy*, 3 Wall. 478, 491-493 (1866).

III. CERTIORARI IS APPROPRIATE TO REVIEW THE JUDGMENT BELOW.

The purpose and effect of the decision below is clear. There was no independent state ground. Only by redrawing the Federal township boundaries could the court place the crucial well in question in the Union-Texas Gulf lease area. As the Court of Appeal said, it took unto itself the responsibility for "settling" a new "legal" line. This case is thus within this Court's jurisdiction under 28 U.S.C. § 1257(3).

Federal township boundaries are the province of the Federal Executive. The Federal Executive is bound to establish those boundaries in the fashion prescribed by Rev. Stat. §§ 2395 and 2396 (1875), as amended, 43 U.S.C. §§ 751, 752 (1964). The survey lines, once approved as the official township boundaries, "shall be established as the proper boundary lines of the sections." Rev. Stat. § 2396 (1875), as amended, 43 U.S.C. § 752 (1964). Petitioners' claim to the disputed area was anchored to the Federal plats. In overturning those plats, the Court below necessarily involved itself in a question of Federal authority exercised under Federal statute, within the meaning of 28 U.S.C. § 1257.

Graham v. *Gill*, 223 U.S. 643 (1912) was, like this, a dispute between private land claimants in a state court arising out of a clearly erroneous overlap between two separate Federal surveys. On writ of error from the Supreme Court of the State of Florida, defendant in error contended that the case presented no Federal question and hence was outside the Court's jurisdiction to review state court judgments. Chief Justice White held, however, that because the dispute involved the Federal statutory scheme setting out the manner in which Federal township boundaries were to be established, a "Federal question was necessarily involved and decided." . . . "In passing adversely on these objections [to admissibility of evidence concerning the Federal surveys] the trial court did not merely determine the weight or sufficiency of the evidence to prove a fact, but passed on the competency and legal effect of the evidence as bearing upon a question of Federal law; *viz.*, the effect of the requirements of § 2396, Rev. Stat. . . . as to the mode of surveying public lands. Thus a Federal question was presented and decided." 223 U.S. at 645, and so this Court had jurisdiction to review the State Court's judgment.

So here. The Court below made unusually clear its aim to override the statutory "mode of surveying public lands." Its judgment may therefore be properly reviewed by this Court.

CONCLUSION

For the foregoing reasons, this Petition for Writ of Certiorari should be granted.

Respectfully submitted,

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CHART 1

Lake Quitman, Southeastern Louisiana

CHART 2

Federal Township, 20S, Range 17E, Based on Connelly Survey of 1837

CHART 3

Federal Township, 20S, Range 18E, Based on Gorlinski Survey of 1855

CHART 4

"Corrected" Common Boundary of Federal Townships, Drawn by Louisiana Court of Appeal